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15 Attorneys for Defendant City of Hayward

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## IT IS SO ORDERED AS MODIFIED

19 IBIZ, LLC, a California Limited Liability  
20 Company,

Case No. CV 13 1537 SC

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CMC FOR SIXTY  
DAYS**

21 Plaintiff,

22

VS.

23 CITY OF HAYWARD, a California  
municipal corporation,

Defendant

Date of CMC: November 21, 2014

**Time: 10:00 a.m.**

**Place: Courtroom 1**

Pursuant to Local Rule 16-10(c), Plaintiff IBIZ, LLC (“Plaintiff” or “IBIZ”) and Defendant the City of Hayward (“Defendant” or the “City”) hereby submit this Stipulation and

1 [Proposed] Order to continue the Case Management Conference presently set in this Court for  
2 November 21, 2014 at 10 a.m. to January 20, 2014, at 10 a.m., and to establish a deadline of 30  
3 days following the conclusion of any ADR proceeding(s) in this case for the filing of any  
4 attorneys fees motions.

5 As set forth in paragraph 16 of the Joint Case Management Statement (Doc. 55) filed on  
6 January 31, 2014, “Whether an attorneys fees motion need be filed will not be determined until  
7 after the conclusion of the ADR [proceedings].” Consequently, this Court previously ordered on  
8 February 18, 2014, that the filing of any attorneys fees motion be scheduled to occur no later than  
9 30 days after the conclusion of any ADR proceedings.

10 The current status of the ADR proceedings is that the matter is presently set for a  
11 settlement conference before magistrate Laurel Beeler in Department C of this court at 10:30 a.m.  
12 on December 17, 2014.

13 Since the merits of this case are now moot, and since the parties are in agreement as to  
14 how to proceed regarding attorneys fees, there would no longer seem to be a purpose for holding  
15 the presently scheduled Case Management Conference, at least prior to the time (following the  
16 ADR proceedings) that the parties conclude it may become necessary to file attorneys fees  
17 motions in order to resolve the outstanding attorneys fees issues. Since this court issued its Order  
18 of September 15, 2014 (establishing the Current Case Management Conference date), the parties  
19 have been diligently exchanging attorneys fees information and records in an attempt to arrive at  
20 a non-judicial resolution of Plaintiff’s attorneys fees claim . At this time, the parties have not  
21 reached such a conclusion but believe that an additional sixty days to work out the details will  
22 likely be sufficient. For this reason, the parties mutually agree that holding the currently  
23 scheduled Case Management Conference at this stage would be premature and request that the  
24 Court reschedule the Case Management Conference to January 20, 2015 with the Case  
25 Management Statement due no later than January 13, 2015.

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1 WESTON, GARROU & MOONEY  
2

3 DATED: November 13, 2014

4 By: /s John H. Weston  
5 JOHN H. WESTON  
6 Attorney for Plaintiff  
7 IBiz, LLC  
8

9 DATED: November 13, 2014

10 MICHAEL S. LAWSON, CITY ATTORNEY  
11

12 By: s/ Michael G. Vigilia (as authorized on 1/31/14)  
13 MICHAEL G. VIGILIA  
14 Assistant City Attorney, City of Hayward  
15 Attorney for Defendant City of Hayward  
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17 **ORDER**

18 (1) The Case Management Conference presently set for November 21, 2014 in this case is  
19 continued to January 16 2015 at 10:00 a.m.

20 (2) Per this Court's order of February 18, 2014 (Doc. 57), any fees motions shall be filed  
21 within 30 days following the conclusion of any ADR proceedings; and

22 (3) Per this Court's order of February 18, 2014 (Doc. 57), any party seeking attorneys  
23 fees shall file, within 5 days of the conclusion of such ADR proceedings, a Supplemental Status  
24 Report, notifying the court of the conclusion of such proceedings.

25 DATED: November 14, 2014

